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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Advanced Television Systems And Their )

Impact Upon The Existing Television Service )

MM Docket No. 87-268

To: The Commission

**COMMENTS OF BANGOR COMMUNICATIONS, INC.**

Bangor Communications, Inc. ("Bangor"), the minority-owned licensee of television station WVII-TV, Channel 7, Bangor, Maine, by its counsel, respectfully submits the following comments in opposition to the recent ex parte submission of the Association for Maximum Service Television, Inc. ("MSTV") in the above-captioned proceeding.<sup>1</sup> While the filing purports to improve upon the digital television ("DTV") assignment/allotment table designed by the FCC,<sup>2</sup> its recommendations would result directly in a disproportionate loss of viewers and coverage area for WVII-TV.

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<sup>1</sup>Ex parte Submission Based on New Technical Discoveries to Help the Commission Improve the DTV Table of Allotments/Assignments, Association for Maximum Service Television, Inc. and Other Broadcasters in MM-Docket No. 87-268 (November 20, 1997) ("MSTV Submission"). By Public Notice, released December 2, 1997, the Commission authorized the filing of additional comments in response to the MSTV Submission.

<sup>2</sup>See Sixth Report and Order in MM Docket No. 87-268, FCC-97-115 (Rel. April 21, 1997) ("6th DTV Order"), Appendix B, Table 1.

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In adopting a DTV table of allotments, the Commission emphasized the following goal:

to adopt an approach that provides for a high degree of service replication by all stations, while at the same time ensuring that all stations are able to provide DTV service competitively within their respective markets.<sup>3</sup>

The Commission also stressed that, in implementing DTV,

it is important to continue to foster our longstanding broadcast policy goals of diversity and encouraging new entry, particularly by minorities and women.<sup>4</sup>

Finally, the Commission emphasized that

it is important that our approach for development of DTV allotments minimize the amount of interference that would be caused to both existing TV service as well as the new DTV service. It is important . . . that the public does not lose television service during the transition.<sup>5</sup>

As demonstrated herein, adoption of the MSTV recommendations for WVII-TV would contradict and disserve all of these goals.

In the proposal contemplated by the MSTV, WVII-TV would be utilizing DTV channel 24, rather than DTV channel 14, as assigned by the FCC plan.<sup>6</sup> Consequently, WVII-TV would lose 23,000 members of its audience and 351 square miles of coverage area due to interference during the DTV transition period.<sup>7</sup> For a station whose market consists of 242,000 persons, a loss of 23,000 viewers constitutes nearly 10% of its market and,

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<sup>3</sup>6th DTV Order at ¶ 30 (emphasis added).

<sup>4</sup>Id. at ¶ 95.

<sup>5</sup>Id. at ¶ 87.

<sup>6</sup>See MSTV Submission, Attachment 1A at 20 and 6th DTV Order, Appendix B, Table 1 at B-23.

<sup>7</sup>Id.

therefore, is quite significant.<sup>8</sup> Moreover, under the MSTV Submission, WVII-TV is the only station in its market to suffer a loss of viewers or coverage area! For Station WLBZ-TV, MSTV suggests the use of DTV channel 18 rather than DTV channel 25. As a result, the station gains 3,000 more viewers and increases its coverage area by 57 square miles.<sup>9</sup> The MSTV Submission also suggests the reassignment of DTV channel 15 for WABI-TV, instead of DTV channel 19. With the change, WABI-TV will experience an increase of 5,000 viewers and 69 square miles of coverage area.<sup>10</sup>

As emphasized earlier, in the design and implementation of DTV policy, the Commission aimed to invigorate the competitive opportunities available through the promise of a new broadcast service and ensure a fair chance for each participant to take advantage of those opportunities. The Commission further aimed to encourage meaningful participation "particularly by minorities and women" and to minimize service loss. The disproportionate loss of viewers and coverage area WVII-TV will experience under the MSTV recommendations effectively will deny the station a fair and competitive place in the new DTV industry and, therefore, would undermine, rather than support, these goals.

A DTV allotment/assignment plan which slashes severely the audience and coverage area of one station while improving the audience and coverage range of all of its competitors does not ensure a fair chance for each participant to take advantage of competitive opportunities. A proposal which abruptly would deprive 23,000 viewers access to the

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<sup>8</sup>Nielsen Rating Book, November 1997.

<sup>9</sup>Id.

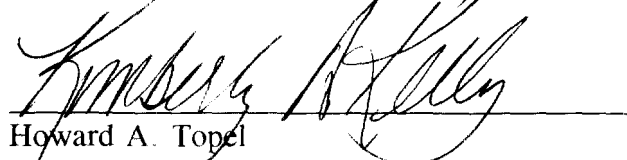
<sup>10</sup>Id.

broadcast television service on which it has come to rely contradicts the Commission's pledge to preserve service during the transition. A plan which so significantly erodes the competitive viability of a minority-owned station offends both the public interest and long-standing Commission goals for diversity of media ownership.

The public interest requires that Bangor be given a fair opportunity to compete in the new DTV industry and to maintain service to a maximum number of its viewers. For the above-described reasons, Bangor strongly opposes adoption of the MSTV Submission proposals for "improvement" of the FCC DTV assignment/allotment table.

Respectfully submitted,

BANGOR COMMUNICATIONS, INC.

  
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Dated: December 17, 1997

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## CERTIFICATE OF SERVICE

I, Annette M. Lach, a secretary at the law firm of Fleischman and Walsh, L.L.P.

hereby certify that copies of the foregoing Comments of Bangor Communications Inc. were served this 17th day of December 1997, via regular mail, upon the following:

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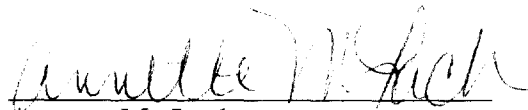
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